THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.21065 OF 2007

DATED: 05-10-2007

BETWEEN

V. Sambasiva Rao,
S/o. Late Gopalakrishnaiah,
R/o. Eluru,
West Godavari District.

...PETITIONER

AND

Revenue Divisional Officer,
Eluru, West Godavari District
and another.

...RESPONDENTS

ORDER:

Petitioner submits that the Tahsildar, Bhimadole, West Godavari District passed an order in Roc.B/297/2007 dated 22.07.2007 resuming the land in an extent of Ac.1.02 cents situated in Sy.No.165/4 and Ac.0.81 cents in Sy.No.165/5 of Pathuru

H/o Surappagudem Village, Bhimadole Mandal on the ground that the said lands assigned in favour of Sri Vase Prabhudasu and Sri Boda Pothai have been transferred by the assignees in favour of the petitioner in contravention of Sub-Section (2) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). He further submits that aggrieved by the said order he filed an appeal before the Revenue Divisional Officer, Eluru under Section 4-A(1) of the Act along with an application for grant of stay but the stay application has been rejected by order in Assignment Appeal Spl. Regr. No. (D) 1/2007 dated 23.08.2007.

2. The said order has been questioned in this writ petition stating that the Revenue Divisional Officer/appellate authority without assigning any reasons took the appeal on file for enquiry and rejected the stay application. I am of the opinion that when a statutory appeal has been filed within the prescribed time along with a stay application, the appellate authority ought to have considered the contention of the petitioner with regard to his entitlement for grant of stay.

3. Having regard to the facts and circumstances of the case, the impugned order of the Revenue Divisional Officer rejecting the stay application is set aside and he is directed to consider and dispose the appeal filed on 13.08.2007 in accordance with law as expeditiously as possible without any undue delay and pending disposal of the appeal status quo with regard to possession obtaining as on today shall be maintained.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

October 5, 2007
DSK